

Exhibit A



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Information Memo

TO: Domestic Policy Council

FROM: Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement

DATE: August 16, 2017

SUBJECT: Community Safety Initiative for the Unaccompanied Alien Children Program

ISSUE

This memorandum provides an overview of the Community Safety Initiative being undertaken by the Office of Refugee Resettlement to address concerns regarding gang involvement by former unaccompanied alien children.

This memo is for your information only and does not ask you to take any action.

BACKGROUND

The Office of Refugee Resettlement (ORR) is responsible for receiving in its custody all unaccompanied alien children (UAC) referred by the Department of Homeland Security (DHS) within 72 hours of referral, and providing each child received with care consistent with law. ORR is required by statute and the *Flores* Settlement Agreement to place each child in the least restrictive setting consistent with the child's individual requirements and, if possible, identify a responsible adult, or sponsor, to provide care for the child prior to the UAC's immigration court proceedings.

In recent months, there has been public and congressional concern with the Mara Salvatrucha, or MS-13, Central American street gang in American communities, and the involvement in that gang of some individuals who were previously in the ORR UAC Program. This followed outcry at murders committed by MS-13 members, particularly in the Suffolk County, Long Island, area, as well as other U.S. communities including the Washington, D.C., and Houston metropolitan areas. Rep. Peter King, whose district includes Suffolk County, has raised the issue of the number of MS-13 members on Long Island who entered the United States as UAC, and on July 28, the President gave a speech about MS-13 in Suffolk County. ORR has actively responded to this concern with policy and procedural changes aimed at reinforcing community-safety protections in the program.



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UAC who are determined to pose a danger to themselves, to others in communities, or pose a flight risk are placed by ORR in secure or staff secure facilities. Secure facilities are ORR's most restrictive level of care, with staffing and infrastructure comparable to juvenile criminal justice facilities, and are in fact state or local juvenile halls to which ORR has awarded contracts or grants to provide secure UAC custody. Staff secure programs are programs with higher levels of staffing to manage UAC who for reasons of self-harm, disruptive behavior, criminal history, or flight risk are not suitable for residential shelter programs, but do not currently require secure-level care.

DISCUSSION

The great majority of UAC in ORR custody do not pose a safety risk to the public and are not affiliated with gangs. Many UAC come to the United States to escape violence and gangs in their home communities. On June 9, 2017, ORR reviewed the UAC in its secure and staff secure facilities. From that review, ORR determined that of the 138 UAC in those facilities on June 9, 35 were voluntarily involved with gangs. Four additional UAC had reported that they had been forced into gang participation. In the context of the nearly 2,400 UAC in ORR custody on that date, this means that gang members were approximately 1.6% of all UAC in care.

However, while the proportion of UAC who have gang affiliation is small, ORR recognizes the importance of planning and programmatic interventions to manage that sub-population in a way that does not compromise the program and does not put American communities at risk.

Community Safety Initiative

In the current Administration, ORR has initiated a Community Safety Initiative, a comprehensive review of program policies and procedures from the lens of the safety of American communities into which UAC are reunified with sponsors.

As elements of the unfolding Community Safety Initiative, ORR has made a number of policy and procedure changes made to date. These include:

- **No current gang members are eligible for release to a sponsor from the program.** UAC with gang history upon attaining their 18th birthday are transferred to DHS Immigration and Customs Enforcement (ICE) for detention as adults. In some cases, such as Bond Hearings or habeas lawsuits, courts may order UAC released despite ORR decision to retain UAC in care.
- **All UAC identified as having current or past gang affiliation are placed in secure facilities.** There, further assessment occurs to verify the gang affiliation and determine the dangerousness of the UAC. UAC may be stepped down to staff secure or other level of care based on the evaluation in secure settings.



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- **ORR's Deputy Director for Children's Programs and the ORR Director now review and approve releases from secure or staff secure facilities.**
- **ORR is working on a Memorandum of Agreement (MOA) with DHS to improve existing processes of consultation on the suitability of releases from secure and staff secure facilities, and on the suitability of sponsors.** At present, 24 hours prior to release of a UAC from ORR custody, ORR notifies DHS of the sponsor's identity, location, and relationship to the child, and asks for DHS input regarding safety of the release for the child and the community. ORR again notifies DHS 24 hours after the minor's release. In the MOA discussions, ORR and DHS are reviewing how the two departments communicate to strengthen ORR's decision-making on releases of UAC at higher risk of violence or criminal activity in the community where they are placed with a sponsor.
- **ORR instituted a policy of notification to local authorities of release from secure and staff secure facilities.** Another goal of the Community Safety Initiative is increased coordination with and support for local authorities in communities in which UAC are released to sponsors. In July, ORR made a policy change to allow notification of local authorities when UAC from secure and staff secure facilities are released in their communities. ORR is currently working through requirements for implementation of this policy, which it expects to implement in the fall.
- **Programs are adding the GREAT gang prevention program to their curricula.** ORR is also focusing on interventions while minors are in ORR custody designed to help prevent later gang involvement post-release. A specific gang prevention program for youth recommended by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Gang Resistance Education and Training ([GREAT](#)) curriculum, is being piloted in facilities. ORR anticipates expansion of the GREAT program to other ORR residential care facilities based on lessons learned from the pilot.
- **Gang prevention resources are being added to post-release services.** ORR is also undertaking to increase the protections against gang involvement by UAC that can be incorporated into safe discharge and post-release services for those UAC who receive post-release services. ORR has partnered with DHS to deliver DHS-provided trainings to ORR's post-release services providers on how to identify MS-13 and other gang colors and signs, as well as whom to notify if providers become aware of gang activity.
- **ORR field staff is integrating with local anti-gang task forces.** Some ORR Federal Field Specialists have begun attending local and regional anti-gang task forces to strengthen partnerships with law enforcement and stay informed about MS-13 and other gang activity in their areas. ORR is actively participating in the interagency gang task force on Long Island, and is in the process of expanding this effort, including current



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outreach efforts to Northern Virginia and Texas gang task forces.

- **ORR is in direct contact with Suffolk County, NY, Police Commissioner Sini.** In the case of Suffolk County, New York, the ORR Director has been in personal contact with Suffolk County Police Commissioner Timothy Sini on a number of occasions. ORR has assisted Suffolk County police with their investigation of MS-13 members by providing information on who, among gang suspects identified by local police, have come through the ORR UAC Program. The Suffolk County Commissioner in turn has agreed to inform ORR whether gang involvement began before, during, or after time in ORR care, if that information surfaces during local investigations. ORR is working to inform Suffolk County of releases of UAC into that community. Following the President's speech about MS-13 at Suffolk County police academy on July 28, the Commissioner was quoted in a Fox News report describing response from ORR as "encouraging."
- **ORR is in the process of expanding its secure bed capacity.** At present, ORR has 58 secure beds nationwide, in two juvenile justice facilities: one operated by a regional criminal justice consortium in Virginia, and the other operated by a county in California. Due to increased numbers of domestic apprehensions, particularly from DHS enforcement operations targeting gang members, as well as ORR's new policies regarding initial designation to secure beds of all UAC with past or present gang affiliation, additional secure beds are required. ORR is in the process of obtaining additional secure beds by a new contract mechanism.